You will chair for the following bill.

AB 158 - Fees for Recording Certain Plats

Recommendation

Support the bill in its current form.

Bill History

Introduced on 03/06/97 by Ladwig/Plache; passage recommended by Assembly Committee on Government Operations (5-4) on 04/17/97; passed Assembly on 05/22/97 (voice vote); concurrence recommended by Senate Committee on Economic Development, Housing and Government Operations (5-0) on 10/22/97; referred to JFC on 11/18/97 in the Senate.

Executive Action Needed

Act on any amendments introduced today. Recommend passage.

Note

This bill would allow register of deeds statewide to make a uniform increase to the fees for recording plats of land. The current graduated fee system would be eliminated, and the new fees would be \$50 across the board for recording cemetery, subdivision or condominium plats.

Jane Licht, Dane County Register of Deeds, was particularly outspoken about the bill. (See attached memo from her.) Of course, the bill was referred in the Senate because it would increase county revenues by approximately \$17,500 per year on subdivision plats alone. The revenue increases associated with cemetery and condominium plats cannot be determined.

Furthermore, you should note the close Assembly Committee vote on the bill (5-4). The assertion that the bill is non controversial seems a bit overstated when you take into account that Committee's action.

Overall, the fee structure seems reasonable, and Fiscal Bureau doesn't seem to have any problems with the bill.



Legislative Fiscal Bureau

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March 11, 1998

TO:

Members

Joint Committee on Finance

FROM:

Bob Lang, Director

SUBJECT: Assembly Bill 158: Fees for Recording Certain Plats

On May 22, 1997, Assembly Bill 158 passed the Assembly on a voice vote, and on October 22, 1997, the bill was recommended for passage by the Senate Committee on Economic Development, Housing and Government Operations by a vote of 5 to 0.

BACKGROUND

Developers of subdivisions, cemeteries or condominiums are required to record a plat of the land with the register of deeds of the county in which the land is located. A plat is a survey map of the land to be developed which designates certain areas of the land as building sites (or lots for cemeteries and subdivisions), parks, roads and nonbuildable areas. Other materials such as state certification documents must also be included in the record with the plat. Fees for recording plats which contain lots are as follows:

\$25 for plats containing one to 50 lots, except for cemetery plats, plus 10 cents for each additional lot over 50.

\$25 for cemetery plats containing one to 200 lots, or fractional part of such lots, plus \$5 for each additional 200 lots, or fractional part of such lots.

Fees for condominium plats, which are not divided into lots, are based on the general per page fees that are assessed when recording other types of instruments with the register of deeds; these fees are \$10 for the first page and \$2 for each additional page.

SUMMARY OF BILL

AB 158 would make uniform and generally increase fees for recording plats with the register of deeds. Under the bill, the current graduated fees for subdivisions and cemeteries would be eliminated. Instead, the bill would provide that a \$50 fee be assessed for recording any cemetery or subdivision plat. In addition, the bill would specify that the \$50 flat fee also apply to condominium plats instead of the current per page fee. The new fees would apply for plats recorded on the effective date of the bill.

ANALYSIS

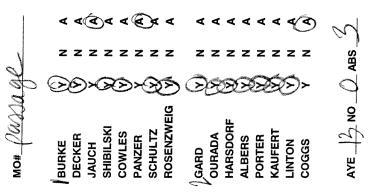
According to Plat Review officials, the current fee structure for recording plats is difficult for registers of deeds to administer. This is because for every subdivision and cemetery plat recorded, each lot on a plat must be individually counted to calculate the fee. Therefore, providing a flat and uniform fee for all plats would ease the burden on counties in calculating the fees. In addition, if fees for subdivision and cemetery plats are modified so as not to depend on the number of lots, it seems reasonable that fees for condominium plats also be modified so that all of the plat fees are consistent.

FISCAL EFFECT

Counties reported collecting a total of \$16.2 million in fees for recording documents with the register of deeds, including property deeds, mortgage data, vital records and other security interest data. Most of the revenues from these fees are retained by counties.

Assembly Bill 158 would generally increase fees for recording subdivision, cemetery and condominium plats, and therefore, increase county revenues. According to Plat Review officials, there are approximately 700 subdivision plats, with an average of 30 lots, registered every year. AB 158 would increase the recording fees for these plats from \$25 to \$50, for a \$17,500 increase in county revenues annually. The number of cemetery and condominium plats registered annually is not known. Therefore, the revenue increases associated with the change in fees for recording cemetery and condominium plats cannot be determined.

Prepared by: Carri Jakel



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